



**US Army Corps
of Engineers®**

Public Notice

Public Notice No. 07-07

Date: **February 7, 2007**

Nashville District

Application No. **2007-00118** Expires: **March 7, 2007**

Please address all comments to:
Nashville District Corps of Engineers,
Regulatory Branch (Attn: David Baldridge)
3701 Bell Road, Nashville, TN 37214

**JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
AND
STATE OF ALABAMA**

SUBJECT: After-the-Fact Discharge of Fill Material into 750 Linear Feet of Stream Associated with a Commercial Development along Mile 1.0 of an Unnamed Tributary to Tennessee River Mile 261.3, Right Bank, Lauderdale County, Alabama

TO ALL CONCERNED: The application described below has been submitted for an After-The-Fact Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (CWA)** and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the Alabama Department of Environmental Management (ADEM), pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Florence Boulevard East, LLC
Charles C. Anderson
202 North Court Street
Florence, AL 35630

LOCATION: Mile 1.0 of an Unnamed tributary to the Tennessee River Mile 261.3, Right Bank, Lauderdale County, Alabama. Killen AL USGS Quad Map. Latitude N34°50'00", Longitude W87°37'00".

DESCRIPTION: The work consists of a concrete box culvert that was placed into 750 linear feet of stream in the fall of 2006. It has been determined that 150 linear feet of this stream has perennial flow and 600 feet has intermittent flow. The after the fact culvert would connect an existing 7'x7' concrete box culvert approximately 250 feet long that

runs under U.S. Hwy. 72, and an existing 5'x5' concrete box culvert approximately 150 feet long that runs under Old Huntsville Hwy. The applicant is developing the property for a commercial retail development.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural

resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service (USFWS). We are requesting that the USFWS review the project as proposed and comment concerning any likely effect to any threatened or endangered species or their critical habitat. Initiation of formal consultation procedures with the USFWS is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Water quality certification from ADEM in accordance with Section 401(a)(1) of the CWA.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **March 7, 2007**, will become a part of the record and will be considered in the determination.

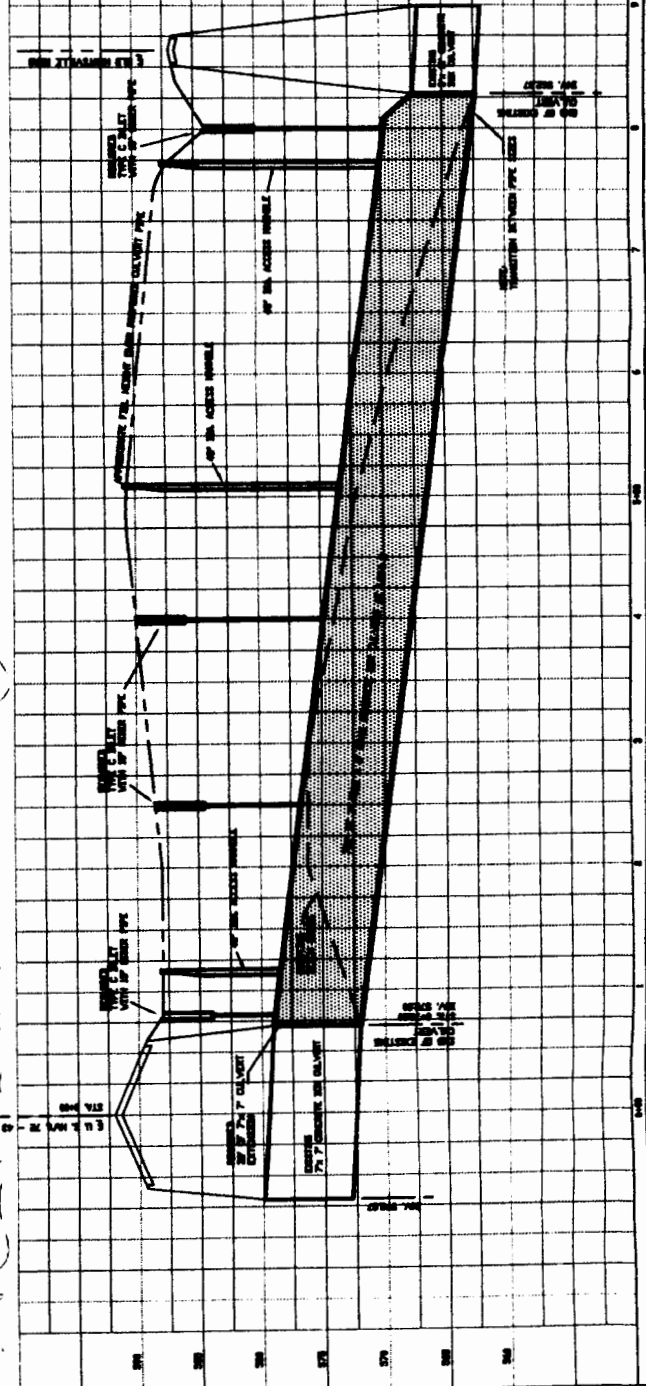
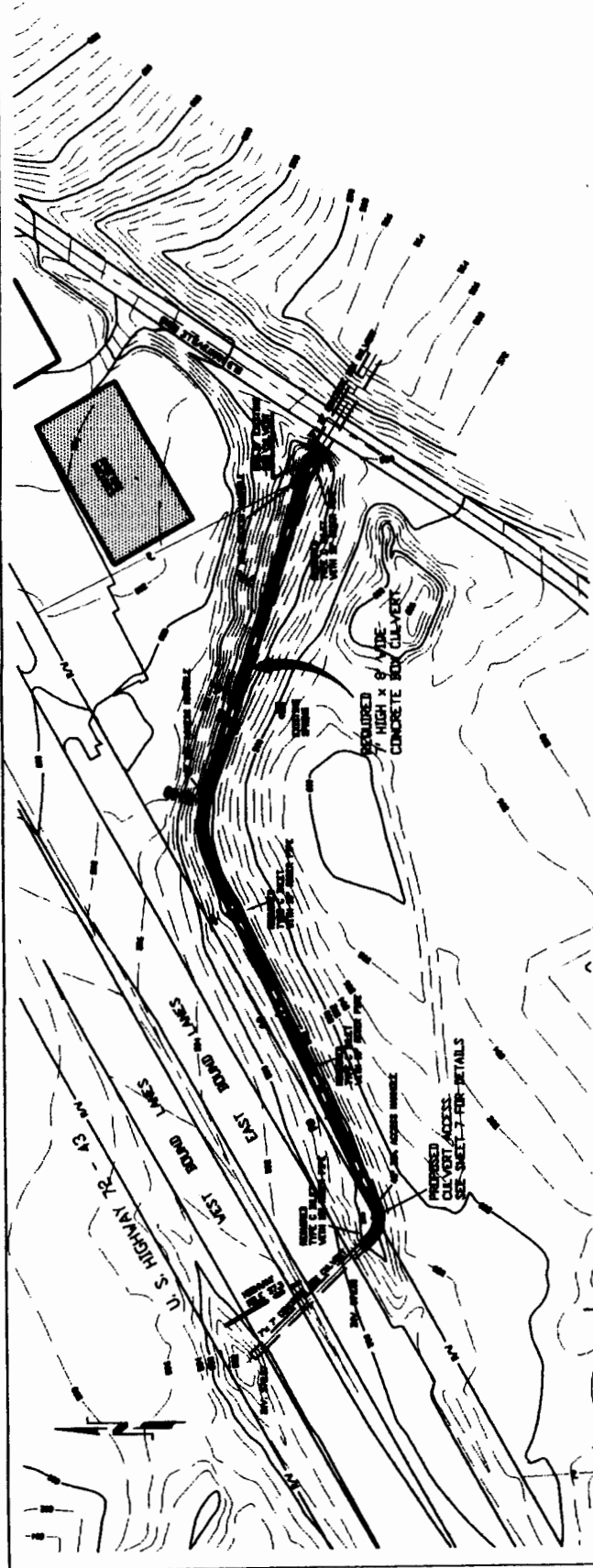
Any response to this notice should be directed to the Regulatory Branch, Attention: David Baldrige, at the above address, telephone (615) 369-7521.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact David Baldrige at the above address or phone number.

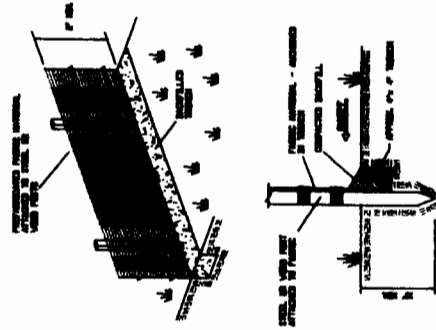
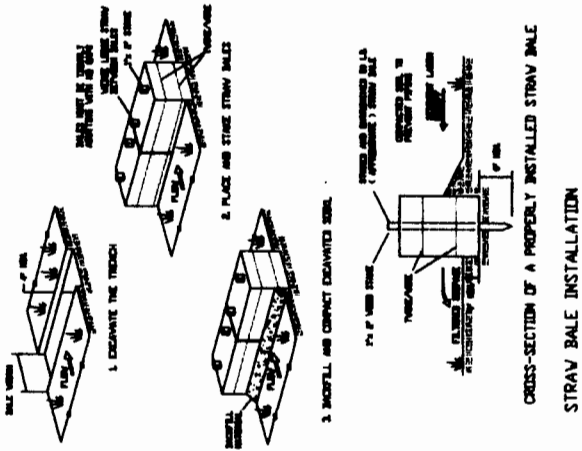
RIVER.

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2007-00118

CULVERT LAYOUT - PLAN & PROFILE	
CULVERT EXTENSION AT EAST POINT	
FLORENCE, ALABAMA	
PRICE & RIDER ENGINEERING, INC.	
1000 10TH AVENUE, SUITE 100, FLORENCE, AL 36633	
DATE	12/1/07
BY	12/1/07
CHECKED	12/1/07
APPROVED	12/1/07
3	



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PREFABRICATED FILTER FENCE INSTALLATION

GRAVING PLAIN & ERISSON CONTROL PLAIN CULVERT EXTENSION AT EAST POINT FLORENCE, ALABAMA		PRICE & RUBER ENGINEERING, INC. 1000 W. UNIVERSITY AVENUE FLORENCE, ALABAMA 36633 PHONE 767-4040 FAX 767-4040		ORDER NO. _____ QUANTITY 1000 ORDER DATE 1-25-85 ORDER NO. 4
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